

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN DOE,

Plaintiff,

V.

**VIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITY**

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 7:21CV378

MOTION TO AMEND SCHEDULING ORDER

Defendant Virginia Polytechnic Institute and State University (“Virginia Tech”), by counsel, respectfully requests entry of an Order modifying the Court’s Scheduling Order, ECF No. 73, for the reasons set forth below.

1. The parties conferred pursuant to Rule 26(f) of the Federal Rules of Civil Procedure on May 30, 2023. During that conference, Virginia Tech advised of its intent to request modifications of the Court's standard Scheduling Order.

2. Specifically, Virginia Tech discussed its intent to amend the Scheduling Order's deadlines as follows:

- a. Plaintiffs' initial expert disclosure – 90 days before the discovery cutoff deadline
- b. Defendant's initial expert disclosure – 60 days before the discovery cutoff deadline
- c. Deadline for motions to join other parties or amend pleadings – July 1, 2023
- d. Deadline for parties to exchange witness and exhibit lists – 30 days before trial
- e. Deadline for deposition designations – 30 days before trial
- f. Deadline for motions in limine – 24 days before trial

- g. Deadline for counterdesignations and objections to deposition designations – 20 days before trial
- h. Deadline for objections to counterdesignations – 15 days before trial
- i. Deadline for hearing on motions in limine – 10 days before trial
- j. Deadline for proposed jury instructions and special interrogatories – 7 days before trial

3. The proposed revised deadlines would not require extension of the discovery cutoff for this case and will not affect the Court's deadline for summary judgment and Daubert motions.

- 4. Plaintiff advised Virginia Tech that he does not agree to the requested changes.

Accordingly, Virginia Tech respectfully requests entry of an Order modifying the deadlines in the Court's Scheduling Order and granting such further relief as the Court deems just and proper. A proposed Order is enclosed.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND
STATE UNIVERSITY

/s/
Katherine C. Londos (VSB #: 36848)
Nathan H. Schnetzler (VSB #: 86437)
FRITH ANDERSON + PEAKE, P.C.
29 Franklin Road, SW
P.O. Box 1240
Roanoke, Virginia 24006-1240
Phone: 540/772-4600
Fax: 540/772-9167
Email: klondos@faplawfirm.com
nschnetzler@faplawfirm.com



Kay Heidbreder (VSB No.: 22288)
University Legal Counsel and
Senior Assistant Attorney General
heidbred@vt.edu
M. Hudson McClanahan (VSB No.: 46363)
hud3@vt.edu
Kristina J. Hartman (VSB No.: 92279)
kjhart06@vt.edu
Stephen F. Capaldo (VSB No.: 74045)
scapaldo@vt.edu
Associate University Legal Counsel and
Assistant Attorney General
University Legal Counsel (0121)
Burruss Hall, Suite 236, Virginia Tech
800 Drillfield Drive
Blacksburg, VA 24061
Phone: (540) 231-6293
Fax: (540) 231-6474

*Counsel for Virginia Polytechnic Institute and
State University*

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record and have mailed and emailed a copy to plaintiff at his addresses of record, which are under seal. See ECF No. 60.

/s/ Nathan H. Schnetzler
Of Counsel

